## Remarks

Claims 1-25 are in the application. Claims 1, 13, and 25 are in independent form. Reconsideration is requested.

Claims 1, 13, and 25 are rejected under 35 U.S.C. 103(a) for obviousness over Ross et al. (U.S. Patent No. 6,263,212) in view of Astrom (U.S. Patent No. 5,579,372) and Official Notice taken by the Examiner. Claims 2-5, 7, 10, 14-16 and 19-21 are rejected under 35 U.S.C. 103(a) for obviousness over Ross et al. in view of Astrom and Blonder (U.S. Patent No. 5,946,299) and Official Notice taken by the Examiner. Applicants respond as follows.

Independent claims 1, 13, and 25 have been amended to clarify that, in the language of claim 1, the threshold value is of a number of messages sent from the message source, the threshold value being independent of the aggregate number of messages being sent to the gateway. This feature is described in the application at, for example, application page 5 lines 1-16.

Applicants submit that none of the cited references, including the Official Notice taken by the Examiner, even mentions transmitting an error message to a message source that has exceeded a threshold for the number of messages sent from that message source. The "flow control" of which the Examiner takes Official Notice is related to overall system or network capacity and its limits. The amended independent claims explicitly recite, for example, that the "threshold value" is independent of the aggregate number of messages being sent to the gateway.

The amended claims clarify that the present invention is directed to excessive use of a system by separate message sources, not "flow control" of all messages carried over a system. As recited in the claims, the present invention provides a "fair and equitable throttle control system" that throttles capacity of high-volume users while allowing lower-volume users to send messages freely. In contrast, conventional flow control systems would limit message flow from all

users regardless of their individual use, thereby resulting in excessive use by some users adversely affecting access other "innocent" users.

Ross et al. describes a Distribution List Processing method in which high-volume distribution lists sent from users are broken up into blocks to avoid a jam in the message system. (Ross et al., col. 8, line 61-col. 9, line 38.) Alternatively, separate copies of the short message may be made for each entity in the distribution list. (Ross et al., col. 9, line 39-col. 9, line 45.) In the passage cited by the Examiner beginning at col. 9, line 45, each short message in a block of a distribution list is submitted to a specific process on a multi-process workstation operating the short message system. Astrom describes a system in which an SMS-Busy condition arises when a mobile station (MS) has already established a short message dialog with one short message service center (SC) when another SC attempts to start a dialog. (Astrom, col 5, lines 8-10.)

The Examiner states that the cited references disclose an "error message" is several ways: (1) flow control uses error messages to indicate congestion, (2) Ross sends a message about delivery status, (3) Astrom senses if a mobile is in operation. Applicants submit that none of these examples teaches or suggests an error message indicating that a "message source has exceeded a threshold value of a number of messages sent from the message source, the threshold value being independent of the aggregate number of messages being sent to the gateway." The flow control example cited by the examiner relates to overall system congestion, which is explicitly omitted from the claimed subject matter. Neither Ross nor Astrom relates in any way to the number of messages sent from a message source.

Applicants submit, therefore, that claims 1, 13, and 25, and their dependent claims, are patentably distinct from the cited references and request that the application be allowed.

Applicants believe the application is in condition for allowance and respectfully request the same.

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Respectfully Submitted,

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